

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Riverview Colony INC
1145 Dugout Road
Chester, MT 59522

2. Type of action: Application to Change a Water Right No. 41P-30005224

3. Water source name: Marias River

4. Location affected by project: This project removes and adds additional reservoirs in Section 13 & 18, Township 28 North, Range 5 East, Liberty County. Figure 1 is an overview of the places of use that are associated with the project.

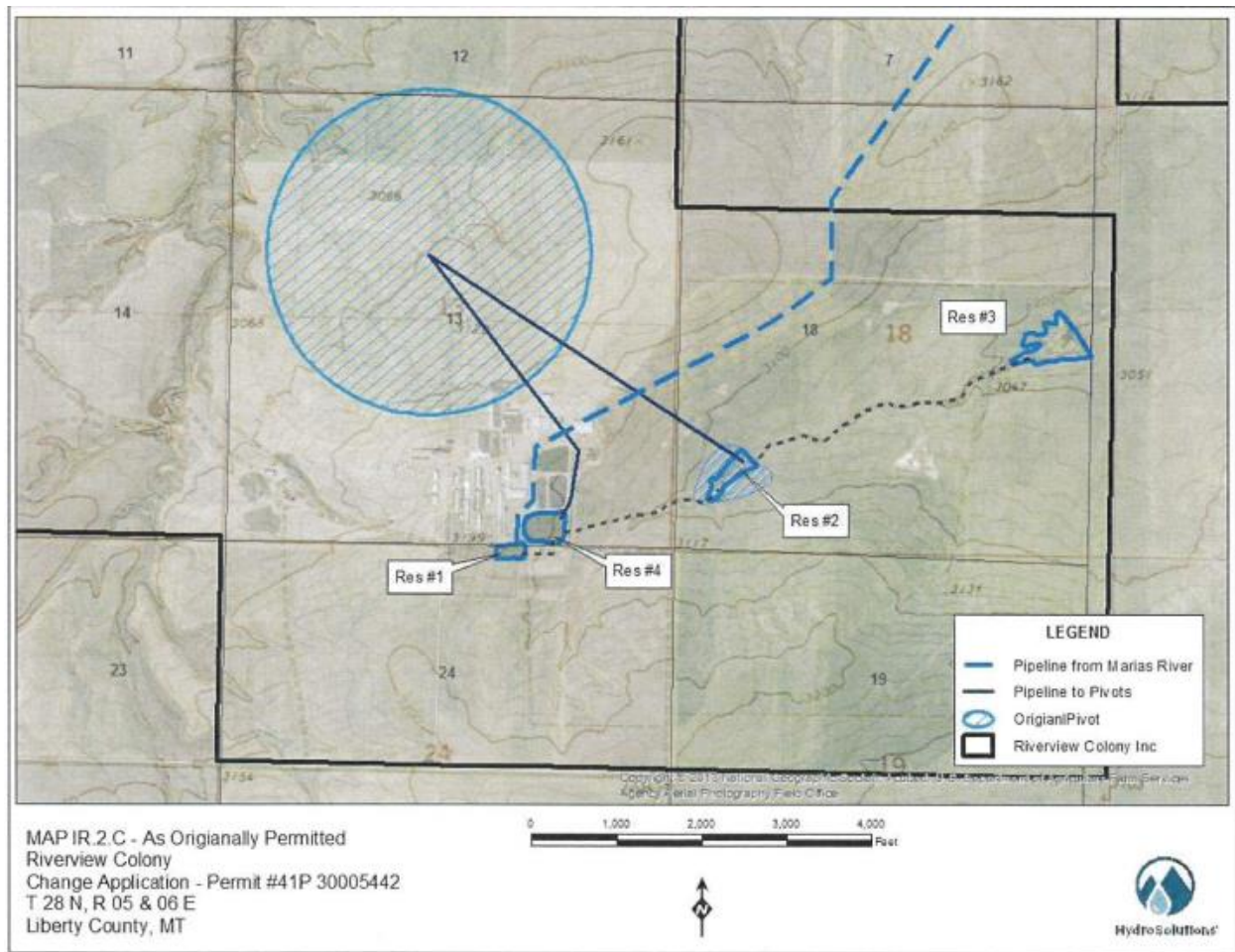


Figure 1: Original use Map for Change Application 41P-30005224 Riverview Colony

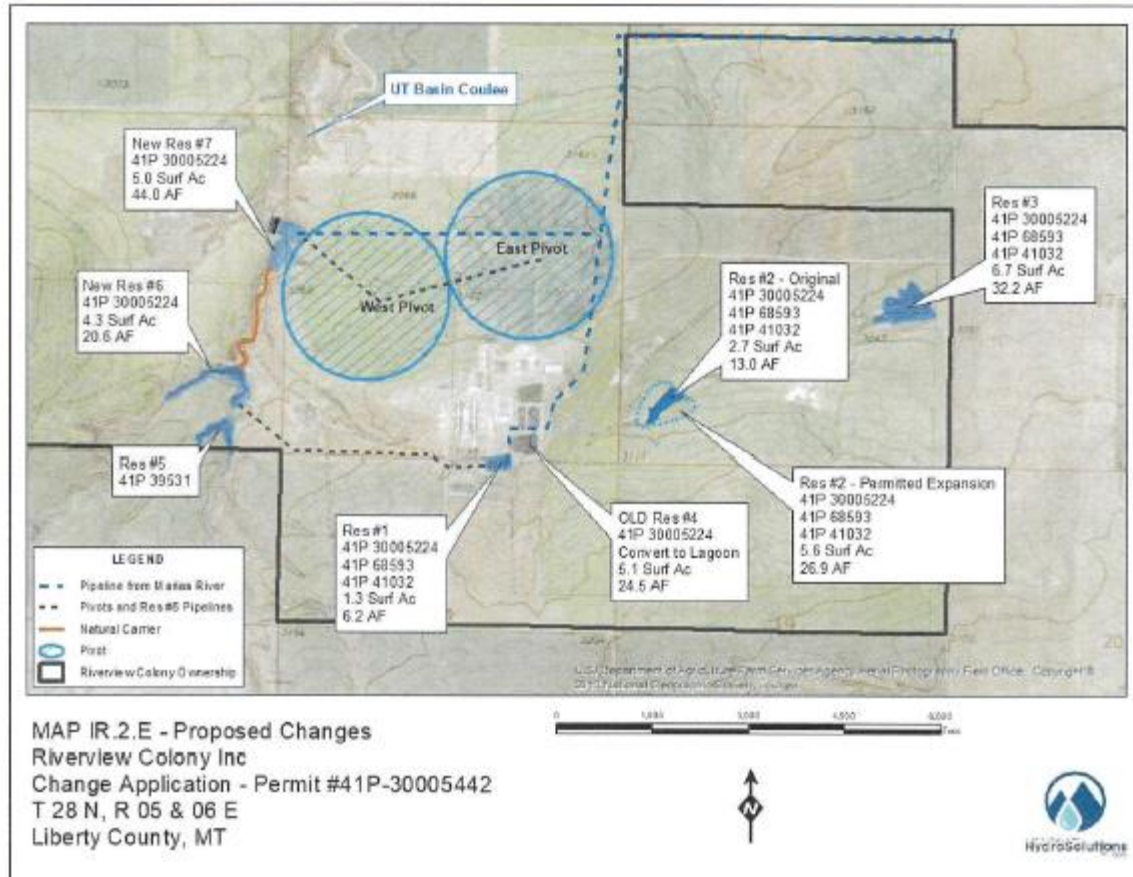


Figure 2: Proposed use Map for Change Application 41P-30005224 Riverview Colony

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met. Historically this water right would pump water into reservoir #4 and release water to reservoirs #2 and #3. Water will now report to either reservoir #1 or reservoir #7. The locations of these reservoirs, the rearrangement of the conveyance pipeline and the modified place of use. From reservoir #1, water will be pumped to reservoir #6 and held in storage. As needed, water from reservoir #6 will be released to reservoir #7 using 1,880 feet of UT Basin Creek as a natural carrier. Water from reservoir #7, either delivered from the conveyance pipeline or via reservoir #6 storage, will be pumped to operate the two pivots.

6. Agencies consulted during preparation of the Environmental Assessment:

Natural Heritage Program, Natural Resources Conservation Service Soils Data Website, Department of Environmental Quality, National Wetlands Inventory Website, and the Natural Resources Information System, the Department of Fish, Wildlife, & Parks.

Part II. Environmental Review Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - The Marias River has been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks.

Determination: Impact to water quantity is expected.

Water quality - The Department of Environmental Quality (DEQ) does list the Marias River as water quality impaired or threatened. DEQ identifies the Marias River as fully supporting for agricultural, drinking water, and recreation in certain areas. The Marias River does not support aquatic life, agriculture, and recreation in different areas. The probable causes of the impaired listing are agriculture, infrastructure, and lack of riparian barriers. The proposed project will not adversely affect water quality. The purpose of the project is to obtain water from the Marias river for irrigation purposes. This will cause adverse effect to the Marias River. If the applicant wants to reduce their impact, they should use best management practices with their irrigation as well as adding riparian barriers to add soil stability and prevent runoff.

Determination: Impact to Marias River expected.

Groundwater - The project does not involve groundwater.

Determination: Assessment is not applicable.

DIVERSION WORKS

The project proposes adding new two diversions and eliminating 3 previous locations. These new diversions will create minimal adversities to the surrounding environment. The new project also reduces the amount of land needed by 23 acres from the historic 262 acres to 239 acres.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species

Below is a list of animal species of concern found in 28N 5E, Liberty County. There were no plant species of concern identified. The project is not located in Sage Grouse habitat. All species found in the area of interest are listed as G4 and G5. The following definitions are taken from the Montana Natural Heritage Program (MNHP). The G4 category defines a species as “Apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining.” The G5 category defines a species as “Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.” The Golden Eagle and the Ferruginous Hawk should not be impacted by the project. Threats associated with these species are “shooting, trapping, and ingestion of poisoned bait have been significant threats in the past.” The

management plan for these species consists of reintroduction, habitat rehabilitation, human interaction maintenance, and research. This project will not affect any of these species.

BIRDS (AVES)						TOWNSHIP = 028N005E (based on mapped Species Occurrences)					
SCIENTIFIC NAME COMMON NAME TAXA SORT	FAMILY (SCIENTIFIC) FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLM	FWP SWAP	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT	
<i>Aquila chrysaetos</i> Golden Eagle	Accipitridae Hawks / Kites / Eagles	G5	S3	BGEPA; MBTA; BCC17		SENSITIVE	SGCN3	3%	100%	Grasslands	
Species Occurrences verified in these Counties: Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McConne, Meagher, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone											
<i>Buteo regalis</i> Ferruginous Hawk	Accipitridae Hawks / Kites / Eagles	G4	S3B	MBTA; BCC10; BCC17		SENSITIVE	SGCN3	11%	95%	Sagebrush grassland	
Species Occurrences verified in these Counties: Beaverhead, Blaine, Broadwater, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Glacier, Golden Valley, Hill, Jefferson, Judith Basin, Lewis and Clark, Liberty, Madison, McConne, Meagher, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Prairie, Roosevelt, Rosebud, Sheridan, Stillwater, Teton, Toole, Valley, Wheatland, Wibaux, Yellowstone											

Figure 3: Animal Species of Concern Located in 28N 5E, Liberty County

Determination: No significant impact.

Wetlands – The project does not involve wetlands.

Determination: Assessment is not applicable.

Ponds - The project does not involve ponds.

Determination: Assessment is not applicable.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE

The Natural Resources Conservation Service (NRCS) Web Soil Survey was utilized to assess the project area's soils. The soil map below depicts the general project area, and the table provides soil unit information.

Liberty County, Montana (MT051)			
Liberty County, Montana (MT051)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
22F	Hillon loam, 15 to 60 percent slopes	17.7	2.7%
32B	Kobase silty clay loam, 0 to 4 percent slopes	2.6	0.4%
37B	Evanston loam, 0 to 4 percent slopes	187.5	29.0%
38B	Ethridge silty clay loam, 0 to 4 percent slopes	10.5	1.6%
421C	Joplin-Hillon loams, 2 to 8 percent slopes	282.5	43.7%
503B	Telstad-Joplin loams, 0 to 4 percent slopes	146.3	22.6%
Totals for Area of Interest		647.1	100.0%

Figure 4: Web Soil Survey of Soil Types in Section 13, 28N 5E, Liberty County

Liberty County, Montana (MT051)			
Liberty County, Montana (MT051)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
32B	Kobase silty clay loam, 0 to 4 percent slopes	663.3	99.9%
37B	Evanston loam, 0 to 4 percent slopes	0.4	0.1%
38B	Ethridge silty clay loam, 0 to 4 percent slopes	0.3	0.0%
Totals for Area of Interest		664.0	100.0%

Figure 5: Web Soil Survey of Soil Types in Section 18, 28N 5E, Liberty County



Figure 6: Map of Web Soil Survey Soil Types in Section 13, 28N 5E, Liberty County



Figure 7: Map of Web Soil Survey Soil Types in Section 18, 28N 5E, Liberty County

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Any impacts to existing vegetation will be within the range of current disturbances due to current land use practices. Noxious weeds are not expected to be established or spread due to the proposed project.

Determination: No significant impact.

AIR QUALITY - The project does not involve air quality.

Determination: Assessment is not applicable.

HISTORICAL AND ARCHEOLOGICAL SITES - The project does not involve historical and archeological sites.

Determination: Assessment is not applicable.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – There are no other environmental issues that need to be addressed.

Determination: No additional environmental impacts were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - No local environmental plans and goals were identified.

Determination: No impact to local environmental plans and goals is expected.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - No recreational or wilderness activities were identified.

Determination: No impact to recreational and wilderness activities is expected.

HUMAN HEALTH - No human health issues were identified.

Determination: No impact to human health is expected.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact to private property rights.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.
- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? No impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No secondary impacts were identified.

Cumulative Impacts No cumulative impacts were identified.

3. *Describe any mitigation/stipulation measures:* No mitigation or stipulation measures exist at this moment

Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:

No action alternative: The Applicant would not be able to develop the project as proposed.

4.

PART III. Conclusion

1. *Preferred Alternative* Proposed action.

2 ***Comments and Responses*** None to date.

3. ***Finding:***

Yes ___ No **X** *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of assessment for the proposed action because no impacts have been identified in the EA.

Name of person(s) responsible for preparation of EA:

Name: Megan Blauwkamp

Title: Water Resources Specialist

Date: 9/22/2021